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In re Application of
Eugene P. Boden et al
Serial No.: 09/682,286
Filed: August 14, 2001
Attorney Docket No.: 08CL7494-1

: PETITION DECISION

This is a response to the petitions under 37 CFR 1.59(b), filed September 23, 2003, and November 24, 2003, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that documents submitted September 29, 2003, as a Proprietary Information Disclosure Statement be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The documents appear to be related to the question of inventorship which is not a matter which would be addressed or determined by the Office. Thus the documents do not relate to the merits of patentability of the application and may be expunged. Since this application has been converted to an Image File Wrapper (IFW) application the documents are not physically returnable, but access to the documents has been closed to the public (they will remain accessible to the examiner) with an annotation that they are expunged.

Petitioner also requests in a second petition that documents submitted November 24, 2003, as a Proprietary Information Disclosure Statement be expunged from the record. The petition fee set forth in 37 CFR 1.17(h) has been paid. The document is returned herewith.

The petitions are **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number.



Bruce M. Kisliuk
Director, Technology Center 1600